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IN THE

Supreme Court of the United States

December Term, 1963

No. 681

ADOLPHUS BROOKS, *alias*

SONNY ADOLPHUS BROOKS, alias

SONNY BROOKS,

Appellant,

vs.

THE STATE OF FLORIDA,

Appellee.

JURISDICTIONAL STATEMENT

ON APPEAL FROM THE SUPREME COURT

OF THE STATE OF FLORIDA

D. B. MONTGOMERY,
1128 South Edgewood Avenue
Jacksonville, Florida
Attorney for Appellant.

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JURISDICTIONAL STATEMENT

Appellant appeals from the Order of the Supreme Court of the State of Florida, Tallahassee, Florida, January Term, A. D. 1963, Case No. 32,541, entered on the 20th day of June, 1963, which denied Appellant Application for Permission to Apply to the Circuit Court of Duval County, Florida, for Writ of Error Coram Nobis.

JURISDICTION

The Appellant was charged with the crime of rape by an indictment by the Grand Jury, which was filed June 9, 1961, and was thereafter found guilty of said crime by a twelve-man jury in the Circuit Court of Duval County, Florida, with no recommendation for clemency.

Thereafter, Appeal was made to the Supreme Court of the State of Florida, and the verdict of the Lower Court was upheld.

All through the initial trial of this Appellant, which is shown by the Record, the name "Jim Daddy Goatee" constantly appears. This witness was never produced at the trial of this Appellant in the Circuit Court of Duval County, Florida, and said person was thereafter found by the Attorney for said Appellant, on or about January 15, 1963. Thereafter, said "Jim Daddy Goatee," whose real name was discovered to be James Newsome, gave a sworn statement, which statement is set out in the Appendixes on Page 6, together with the results of a Lie Detector Test procured by Attorney for Appellant, of said James Newsome, alias "Jim Daddy Goatee," shown on pages 17-18 of said Appendixes.

Upon the discovery of the witness, James Newsome, alias "Jim Daddy Goatee," whose real name and whose presence had been testified to at the initial trial of this Appellant, the Attorney for Appellant filed an Application for Permission to Apply for Writ of Error Coram Nobis in the Supreme Court of the State of Florida on March 16, 1963, Page 4 of Appendixes, which Application for Permission was subsequently denied by the Supreme Court of the State of Florida.

QUESTIONS PRESENTED

The Supreme Court of the State of Florida, by its Order entered herein, has refused to grant the Appellant herein the right to a new trial. The questions presented are:

1. The right of an accused to a speedy and public trial, by an impartial jury, and to be heard by himself or counsel or both, to demand the nature and cause of accusation by the State, to meet the witnesses against him face to face, and have compulsory process *for the attendance of witnesses in his favor*, is a right which is guaranteed to him by the Constitution of the State of Florida, Section 11 of the Declaration of Rights. The first question here presented is: DID THE SUPREME COURT OF THE STATE OF FLORIDA DENY THIS APPELLANT HIS CONSTITUTIONAL RIGHT TO BE FACED WITH ALL WITNESSES FOR OR AGAINST HIM BY ITS REFUSAL TO GRANT PERMISSION TO SAID APPELLANT TO APPLY TO THE CIRCUIT COURT OF DUVAL COUNTY, FLORIDA FOR A WRIT OF ERROR CORAM NOBIS?

2. By the Constitution of the United States, Sixth Amendment, the accused shall enjoy the right to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. DID THE SUPREME COURT OF THE STATE OF FLORIDA DENY THIS APPELLANT HIS CONSTITUTIONAL RIGHT AS GUARANTEED TO HIM BY THE CONSTITUTION OF THE UNITED STATES, IN DENYING HIS PETITION FOR PERMISSION TO APPLY TO THE CIRCUIT COURT OF DUVAL COUNTY, FLORIDA FOR A WRIT OF ERROR CORAM NOBIS?

3. According to the Constitution of the United States, Fourteenth Amendment, no State shall make or enforce any law which shall abridge the privileges or ammunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law. The question here presented is: HAS THE SUPREME COURT OF THE STATE OF FLORIDA ATTEMPTED TO DEPRIVE THIS

APPELLANT OF HIS LIFE, WITHOUT DUE PROCESS OF LAW?

4. This Appellant maintains that the Supreme Court of the State of Florida, in denying Appellant the right to be faced with *all witnesses*, has violated Section 11 of the Decleration of Rights of the Constitution of the State of Florida and the Sixth Amendment and Fourteenth Amendment of the Constitution of the United States.

FLORIDA JURISPRUDENCE

The principle facts involved herein are as follows: Every person is guaranteed certain rights by the Constitution of the United States, together with certain rights guaranteed to him, or her, by the Constitution of the state in which he resides, no matter what his race or creed may be.

Your appellant has been sentenced to death, and in all cases where the death penalty has been invoked, the Defendant is entitled to every advantage to prove himself innocent of a crime. Also, in all trials relative to cases wherein the Defendant may be sentenced to death, and in which there may be any doubt, such doubt is always resolved in favor of the accused.

Your Appellant maintains that in the case at bar, in which he has been sentenced to death, that he should be given the right to a new trial and to be faced with all witnesses, whether for or against him, and that if such right is given to the Appellant, he will be granted his constitutional rights, both State and Federal.

Appellant believes, therefore, that the question presented by the Appeal are substantial and that the Appellant has been denied his constitutional rights.

Respectfully Submitted,
D. B. MONTGOMERY,
1128 South Edgewood Avenue
Jacksonville, Florida
Attorney for Appellant

CERTIFICATE OF SERVICE

I do hereby certify that on this 16 day of December 1963 I mailed a true and correct copy of the foregoing Jurisdictional Statement with Appendixes to the Attorney General of the State of Florida by placing in a properly addressed envelope with sufficient postage thereon and depositing same in the U. S. Mail.

D. B. Montgomery

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